



**SIGNED THIS 2nd day of May, 2019**

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.  
PLEASE SEE DOCKET FOR ENTRY DATE.**

*Rebecca B. Connelly*

Rebecca B. Connelly  
UNITED STATES BANKRUPTCY JUDGE

IN RE: ROBERT EDWARD WITT, JR.

\* CHAPTER 13  
\* CASE NO. 19-51025  
\*  
\*

Debtor.

ROBERT EDWARD WITT, JR.

Plaintiff,  
v.

Adversary Proceeding No. 19-05004

PARTNERS FOR PAYMENT RELIEF DE II, LLC

Defendant.

**ORDER ON COMPLAINT TO DETERMINE THE EXTENT AND  
VALIDITY OF A SECURED CLAIM AND TO AVOID THE LIEN OF SAID CLAIMANT**

AND NOW, Plaintiff, by counsel, having filed their Motion for Default Judgment, and the Court having determined that the Defendant has failed to file an answer or otherwise defend as to the Plaintiff's Complaint to Determine the Extent and Validity of a Secured Claim and to Avoid the Lien

of Said Claimant, and upon this Court's finding that they allegations of the Complaint are sufficient to state a good claim for relief, it is

ORDERED, ADJUDGED and DECREED that the deed of trust lien, recorded on or about 09/17/07 at Instrument Number 070010854, held by Defendant against Plaintiff's property known as 3115 Morris Mill Road, Staunton, VA 24401, be, and hereby is, declared void and released.

It is further ORDERED as follows:

1. The avoidance of Defendant's lien is contingent upon the Debtor's completion of the Chapter 13 plan and the Debtor's receipt of a Chapter 13 discharge.
2. Defendant shall retain its lien in the event of either the dismissal of the Debtor's Chapter 13 case or the conversion of the Debtors' Chapter 13 case to any other Chapter under the United States Bankruptcy Code.
3. Upon receipt of the Debtor's Chapter 13 discharge, Defendant shall release and mark as satisfied the Deed of Trust.
4. The allowed claim of Defendant shall be treated as an unsecured claim under the Plaintiff's chapter 13 plan.
5. The Plaintiff shall *not* file this order with the Clerk of the Court for the Circuit Court of the County of Augusta *until* the Plaintiff has completed their performance as required under the Chapter 13 plan and have received an order of discharge. Upon receipt of the order of discharge in this case, the Plaintiff may file a copy of this order with the Clerk of the Court for the Circuit Court of County of Augusta. The Plaintiff may also, at that time, file a copy of this order of discharge with the Clerk of the Court for the Circuit Court of the County of Augusta.

Counsel for Plaintiff shall serve this order on all parties.

**\*\*\*END OF ORDER\*\*\***

I ask for this:

/s/David Wright  
David Wright  
COUNSEL FOR PLAINTIFFS  
VSB #40424  
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SEEN:

/s/ Herbert Beskin  
Herbert Beskin  
Chapter 13 Trustee